
From: [Frank, Stephen \(USAMA\) 1](#)
To: [Malkiel, Yakov](#); [Rosen, Eric \(USAMA\)](#); [Bell, Karin \(USAMA\)3](#); [Kearney, Kristen \(USAMA\)](#); [O'Connell, Justin \(USAMA\)](#); [Wright, Leslie \(USAMA\)](#)
Cc: [Kendall, Michael](#); [Andrew Tomback](#)
Subject: RE: Wilson Privileged Marital Communications
Date: Friday, July 24, 2020 5:46:36 PM

Thanks Yakov. We do not believe there is a further need to meet and confer. We oppose the motion.

Without having seen it, we cannot agree not to object to its timing. Likewise, we are not in a position to agree that the brief should be filed under seal, or that the affidavits may be filed ex parte and under seal. Accordingly, we reserve our rights with respect to those issues.

Steve

From: [Malkiel, Yakov](#) <yakov.malkiel@whitecase.com>
Sent: Friday, July 24, 2020 4:42 PM
To: [Frank, Stephen \(USAMA\) 1](#) <SFrank1@usa.doj.gov>; [Rosen, Eric \(USAMA\)](#) <erosen2@usa.doj.gov>; [Bell, Karin \(USAMA\)3](#) <KBell3@usa.doj.gov>; [Kearney, Kristen \(USAMA\)](#) <KKearney@usa.doj.gov>; [O'Connell, Justin \(USAMA\)](#) <JOConnell@usa.doj.gov>; [Wright, Leslie \(USAMA\)](#) <LWright4@usa.doj.gov>
Cc: [Kendall, Michael](#) <michael.kendall@whitecase.com>; [Andrew Tomback](#) <ATomback@mclaughlinstern.com>
Subject: RE: Wilson Privileged Marital Communications

Hi Steve,

We will be moving to suppress the fruits of the warrant to search Mr. Wilson's email server. We will also ask the Court to consider disqualifying prosecutors and/or witnesses, and to sever Wilson's trial.

Yakov Malkiel | Associate
T +1 617 979 9322 **M** +1 617 407 0117 **E** yakov.malkiel@whitecase.com
White & Case LLP | 75 State Street | Boston, MA 02109-1814

From: [Frank, Stephen \(USAMA\) 1](#) <Stephen.Frank@usdoj.gov>
Sent: Friday, July 24, 2020 2:29 PM
To: [Malkiel, Yakov](#) <yakov.malkiel@whitecase.com>; [Rosen, Eric \(USAMA\)](#) <Eric.Rosen@usdoj.gov>; [Bell, Karin \(USAMA\)3](#) <Karin.Bell@usdoj.gov>; [Kearney, Kristen \(USAMA\)](#) <Kristen.Kearney@usdoj.gov>; [O'Connell, Justin \(USAMA\)](#) <Justin.O'Connell@usdoj.gov>; [Wright, Leslie \(USAMA\)](#) <Leslie.Wright@usdoj.gov>
Cc: [Kendall, Michael](#) <michael.kendall@whitecase.com>; [Andrew Tomback](#) <ATomback@mclaughlinstern.com>
Subject: RE: Wilson Privileged Marital Communications

Yakov,

What are you moving to suppress and what is the other relief you are seeking?

Thanks,
Steve

From: [Malkiel, Yakov](#) <yakov.malkiel@whitecase.com>
Sent: Friday, July 24, 2020 11:31 AM
To: [Rosen, Eric \(USAMA\)](#) <erosen2@usa.doj.gov>; [Bell, Karin \(USAMA\)3](#) <KBell3@usa.doj.gov>; [Frank, Stephen \(USAMA\) 1](#) <SFrank1@usa.doj.gov>; [Kearney, Kristen \(USAMA\)](#) <KKearney@usa.doj.gov>; [O'Connell, Justin \(USAMA\)](#) <JOConnell@usa.doj.gov>
Cc: [Kendall, Michael](#) <michael.kendall@whitecase.com>; [Andrew Tomback](#) <ATomback@mclaughlinstern.com>

Subject: Wilson Privileged Marital Communications

All,

On John Wilson's behalf, we are preparing a motion to suppress and for other relief based on the marital-communications issue, *Franks v. Delaware* issues with the warrant affidavit, and related concerns. We expect to file on Monday. Could you let us know the following?

1. Whether in your view we need to meet and confer further on these issues.
2. Whether you agree not to object to the timing of the motion, which relies primarily on documents and information that the government produced in March-April 2020.
3. Whether, given the severe privacy concerns inherent in discussing the marital communications, you agree to the following requests concerning filing arrangements:
 - a. Our memorandum of law will be filed under seal, with a copy served on the government.
 - b. Up to two accompanying affidavits will be filed ex parte and under seal, with only redacted copies served on the government.

Thank you.

Yakov Malkiel | Associate
T +1 617 979 9322 M +1 617 407 0117 E yakov.malkiel@whitecase.com
White & Case LLP | 75 State Street | Boston, MA 02109-1814

=====

This email communication is confidential and is intended only for the individual(s) or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, please do not read, copy, use or disclose the contents of this communication to others. Please notify the sender that you have received this email in error by replying to the email or by telephoning +1 617 979 9300. Please then delete the email and any copies of it. Thank you.

Our external privacy policy is available on <https://www.whitecase.com/privacy-policy>.

=====

=====

This email communication is confidential and is intended only for the individual(s) or entity named above and others who have been specifically authorized to receive it. If you are not the intended recipient, please do not read, copy, use or disclose the contents of this communication to others. Please notify the sender that you have received this email in error by replying to the email or by telephoning +1 617 979 9300. Please then delete the email and any copies of it. Thank you.

Our external privacy policy is available on <https://www.whitecase.com/privacy-policy>.